

App. No. 10/777,808  
Amendment Dated: May 29, 2007  
Reply to Final Office Action of January 29, 2007

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REMARKS/ARGUMENTS

The Office Action mailed January 29, 2007 rejected claims 1-23. Claims 1, 11 and 18 have been amended. No new matter has been added. The Applicants respectfully present the following for consideration.

Claim Rejections under 35 U.S.C. 101

Claims 18-23 were rejected under 35 U.S.C. 101 because the Office Action stated that the claimed invention is directed to non-statutory subject matter. The Applicants have amended claim 18 as suggested by the Examiner to include the term "computer-readable storage medium." The Applicants respectfully request the rejection be withdrawn.

Claims 1-7, 11-15 and 18-20 were rejected by the Office Action under 35 U.S.C. 102(e) as being anticipated by US 2004/0119732 (hereinafter Grossman).

With regard to Claim 1, the Office Action states that Grossman teaches "determining a recent item based on an access to the item;(Para 11) associating the recent item with a contact maintained in a contact list when the item has an associated contact(Para 11); placing the recent item in a recent items list that includes all recently accessed items;(Para 11) generating the recent items list such that the recent item is only shown once within the recent items list; (Figure 4 and 5 and para 11) and displaying the recent items list.(Para 48)." The Office Action also stated that the "Applicant is further directed to Figure 7 "recent contacts" paras 66 that further teach the recent contacts list. Furthermore with regards to the association of the contact to the recent item. The recent contacts list display a list of contact names which are associates to a contact record of

App. No. 10/777,808  
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the entire my contacts list see para 66." The Applicants respectfully disagree but have amended the Independent Claims to more clearly define the invention and to advance the prosecution of this matter in a timely fashion.

As amended, Claim 1 recites in part "determining a recent item based on when an item that is selected from a phone call; an electronic message; and a contact is accessed; associating the recent item with a contact maintained in a contact list when the item has an associated contact."

Grossman is directed at automatically displaying "a list of expected contacts that are most likely to be selected by a user whenever focus input is directed at a type-in line, or another input object, requiring contact information" (Paragraph 0010). Paragraph 11 of Grossman recites that "the list of expected contacts can be obtained from a single contact information directory associated with a particular application, as well as from a plurality of contact information directories that can be accessed by the interface and corresponding modules of the invention." Paragraph 11 of Grossman also discloses how the expected contacts may be ordered, such as alphabetically, most recent use, and most often used. Paragraph 66 of Grossman recites in part "For example, in the present embodiment, the user interface has access to a "My Contacts" directory of personal contacts that is stored in the local storage medium 270 of the computing system 200 of FIG. 2, a "Company Directory" of corporate contacts stored on a server that the computing system 200 is connected to, and a "Recent Contacts" directory that is stored locally as a subdirectory of the "My Contacts" directory. Although by default, in a preferred embodiment,

App. No. 10/777,808  
Amendment Dated: May 29, 2007  
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the search will include all available directories.” In other words, a recent contacts list may be searched. This is not the same as determining what items to place within the recent contacts list.

Among other differences to the presently claimed invention, Grossman does not teach “determining a recent item based on when an item that is selected from a phone call; an electronic message; and a contact is accessed; associating the recent item with a contact maintained in a contact list when the item has an associated contact.” Instead, Grossman teaches how to arrange contacts that are already in a list. Since Grossman does not teach determining what items to put in the list that are not already in the list or associating the item with a contact, Claim 1 is proposed to be allowable. Claims 2-10 are proposed to be allowable as they depend from a valid base claim.

Claim 11 as amended recites in part “determining a recent item; wherein the recent item is selected from a phone call; an electronic message; and a contact.” Claim 11 is proposed to be allowable for at least the reasons presented above. Claims 12-17 are proposed to be allowable as they depend from a valid base claim.

Amended Claim 18 recites in part “determining a recent item based on an access to an item that is selected from a phone call; an electronic message; and a contact; attempting to associate the recent item with a contact maintained in a contact list.” Claim 18 is proposed to be allowable for at least the reasons presented above. Claims 19-23 are proposed to be allowable as they depend from a valid base claim.

#### 35 U.S.C. 103(a) Rejections

App. No. 10/777,808  
Amendment Dated: May 29, 2007  
Reply to Final Office Action of January 29, 2007

Claims 9-10, 17, and 22-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Grossman in view of Official Notice. The Applicants respectfully disagree. With regard to Claims 9, 17 and 22 the Office Action states that Grossman "fails to expressly disclose the time of the access to an item being displayed in the title bar when the item is selected. However, the examiner takes official notice that it would have been well known in the art at the time of the invention to display the time that a contact was last communicated with ..." The last Office Action stated that in order to properly refute the official notice the applicant needs to explain why this feature is not considered to be common knowledge. The Applicants agree that a time is somehow associated with a recent contact in order to determine whether or not a contact is a recent contact. The Applicants submit, however, that displaying a time associated with a contact within a title bar is not well known in the art. Additionally, the Applicants are unaware of any art that displays a time that is associated with the contact within the title bar in response to the contact being highlighted. The Applicants are unaware of any art that provides this feature. Section 2144.03 of the MPEP states that It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." As such, the Applicants respectfully request the Examiner to provide documentary references to show that this "displaying the time of the communication within a title bar of a contacts window when the recent item is highlighted" is well known in the art.

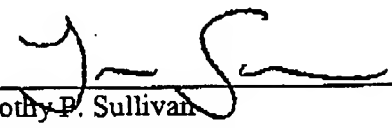
#### Conclusion

App. No. 10/777,808  
Amendment Dated: May 29, 2007  
Reply to Final Office Action of January 29, 2007

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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